

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Madam President, I ask unanimous consent that I be granted 1 minute for debate before the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Madam President, I wish to congratulate the majority leader for the remarks he just made. I thought it was an excellent meeting at the White House today.

I will simply say that I think the President unquestionably has agreed to consult with the Congress. I believe that commitment was made again today.

This is a very critical time. I hope and believe that adoption of this measure is meaningless, but I hope and think at this particular time we could do no good by adopting this once again, but, obviously, it will be adopted. I will oppose it because I think it is ill-timed for us to be stepping into this matter once again at this particular juncture.

I thank the Chair, and I yield the floor.

Mr. DOLE. Madam President, I ask unanimous consent to print in the RECORD a letter the President sent to me on October 20, 1993. Let me read one paragraph:

I also have made clear that it would be helpful to have a strong expression of support of the United States Congress prior to the participation of U.S. forces in implementation of a Bosnian peace accord. For that reason, I would welcome and encourage congressional authorization of any military involvement in Bosnia.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,

Washington, DC, October 20, 1993.

Hon. ROBERT DOLE,  
United States Senate,  
Washington, DC.

Dear Mr. Leader:

The violent conflict in the former Yugoslavia continues to be a source of deep concern. As you know, my Administration is committed to help stop the bloodshed and implement a fair and enforceable peace agreement, if the parties to the conflict can reach one. I have stated that such enforcement potentially could include American military personnel as part of a NATO operation. I have also specified a number of conditions that would need to be met before our troops would participate in such an operation.

I also have made clear that it would be helpful to have a strong expression of support from the United States Congress prior to the participation of U.S. forces in implementation of a Bosnian peace accord. For that reason, I would welcome and encourage congressional authorization of any military involvement in Bosnia.

The conflict in Bosnia ultimately is a matter for the parties to resolve, but the nations of Europe and the United States have significant interests at stake. For that reason, I am committed to keep our nation engaged in the search for a fair and workable resolution to this tragic conflict.

In closing, I want to express my sincere appreciation and respect for the manner in which we have been able to work together on important issues affecting national security.

Over the years, the greatest successes in American foreign policy have had bipartisan support. I am gratified that we have been able to sustain that tradition and thank you for your leadership in that regard.

Sincerely,

BILL CLINTON

#### MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 1996

Mr. DOLE. Madam President, before moving to the vote, I would like to take up the CR, which has now been cleared on each side.

I ask unanimous consent that the Senate now turn to the consideration of House Joint Resolution 108.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 108) making continuing appropriations for the fiscal year 1996, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. HATFIELD. Madam President, the Senate has received from the House a joint resolution to provide funding through November 13, 1995, for the continuation governmental activities carried out during fiscal year 1995.

This is a clean bill, providing funding for the activities funded in the 13 annual appropriations bills. The funding levels are sufficient to continue government activities without prejudice to the ultimate enactment of regular bills, but at levels sufficiently low to provide an impetus for successful completion of those bills.

The bill continues ongoing programs at restrictive rates that are the average—less 5 percent—of the 1996 levels in the House-passed and Senate-passed bills. For those programs that are terminated or significantly affected by either the House or Senate bills, the rate may be increased to a minimal level—which could be up to 90 percent of the current rate. In any instance where the application of the formula would result in furloughs then the rate can be increased to a level just sufficient to avoid furloughs.

I would have preferred to come here today to announce the enactment into law of the 13 regular bills, rather than to urge your support for a continuing resolution covering those 13 bills. At this point, however, non of the regular bills has been enacted into law. I am hopeful that before the end of the session we can resolve our differences with the administration and the House and have 13 bills enacted into law. The 6 additional weeks granted by this resolution will give us some breathing room for addressing some fundamental differences between the executive and legislative branches.

This joint resolution is very restrictive. This resolution is drafted so that

there is very little incentive to extend the resolution for a longer time. For example, section 114 mandates that the resolution “shall be implemented so that only the most limited funding action of that permitted in the resolution shall be taken in order to provide for the continuation of projects and activities.” In addition, section 113 mandates that, for those programs that had high initial rates of operation or completed distribution of funds to other entities at the beginning of fiscal year 1995, no similar distributions shall be made or grants shall be awarded that would impinge upon final funding prerogatives. Also, section 109 states that no provision in the fiscal year 1996 Appropriations Acts that makes the availability of any appropriation contingent upon the enactment of additional authorizing or other legislation shall be effective before the expiration date set forth in the resolution. These provisions help guarantee that neither the executive nor legislative branches will prefer continuation of this resolution to the enactment of the regular fiscal year 1996 bills.

Mr. BYRD. Madam President, I congratulate the Republican leadership in the House and Senate for working diligently over the past number of days in hammering out with the administration this continuing resolution, H.J. Res. 108. I particularly compliment the efforts of the chairmen of the Appropriations Committees of the House and Senate, Congressman LIVINGSTON and Senator HATFIELD, for their leadership in working out this agreement. These two chairmen deserve the lion's share of the credit for working day and night over the past several weeks in negotiations with the administration on this continuing resolution.

Enactment of this resolution will provide the necessary funds to continue the operations of all agencies and departments of the Federal government over the period October 1 (the beginning of fiscal year 1996) through November 13, 1995. In addition, the resolution provides that, upon enactment into law of any of the 13 regular appropriation bills for fiscal year 1996, that full year appropriation act shall supersede the continuing resolution.

This continuing resolution is necessary to enable Congress to complete its work on the fiscal year 1996 appropriation bills. To date, only two of the 13 regular appropriation bills have been sent to the President for his signature—namely, the Military Construction Appropriation Bill and the Legislative Branch Appropriation Bill.

There are a number of other bills upon which conferences either have been completed or are nearing completion. However, the President has indicated that he will veto as many as five, or possibly more of the 1996 appropriation bills. Among the bills that he has expressed his intention to veto are the Defense Appropriation Bill, which, in the President's view, provides several billion dollars above what he and the

Pentagon agree is necessary in defense spending for fiscal year 1996. The President rightly believes that this excess defense spending could be more wisely used to ease the dramatic reductions that are contained in a number of the other 1996 appropriation bills. These bills provide for the investments in our Nation's physical and human infrastructure. The President believes that too little funding is being recommended for a number of these infrastructure programs in bills such as VA/ HUD and Independent Agencies; Labor/ HHS; Commerce, Justice, State; and Interior. In addition to these bills, the President has objected to a number of legislative riders which are being recommended in several bills. Among these are: Treasury/Postal; Interior; Labor/HHS; Commerce, Justice, State; VA/ HUD and Independent Agencies; and possibly others.

One can see that there remains a great deal of work to be done before all 13 of the regular 1996 appropriation bills can be signed into law.

As the distinguished chairman of the committee, Senator HATFIELD, has stated, the terms of this continuing resolution will ensure that all projects and activities throughout the Federal Government will continue to operate at funding levels which will be reduced no more than 10 percent below their fiscal year 1995 levels. Furthermore, the language of the resolution prohibits furloughs of any Federal workers. In other words, as White House Chief of Staff Leon Penetta has indicated, this continuing resolution will ensure a level playing field as very difficult negotiations continue on the 1996 appropriation bills and will allow us an additional 44 days to resolve the differences that remain in connection with a number of them.

I am sure that all Members share my hope and desire that all of the remaining differences can be resolved and that conferences can be completed and that all thirteen appropriation bills can be enacted prior to the expiration of this continuing resolution, so that we can avoid the need for further continuing resolutions.

I urge my colleagues to support the adoption of this resolution.

Mrs. FEINSTEIN. Madam President, I understand that the joint resolution would continue funding actions during fiscal year 1996, for HUD essentially under the provisions of the fiscal year 1995 VA, HUD, an Independent Agencies Appropriation Act. Funding would continue at a variety of different levels, depending on the circumstances, under the authority and conditions of the 1995 appropriation act. Some of the authority and conditions is in the appropriation accounts themselves, such as the Stewart B. McKinney Act provision in the annual contributions for assisted housing account that permits the proceeds of certain refinancings to be split between PHAs and the Treasury. Other authority and conditions, such as the amendments to the U.S. Housing Act of

1937, at section 8(c)(2)(A), that purports to sunset at the end of fiscal year 1995, are in the administrative provisions.

Is my understanding correct that the Secretary of Housing and Urban Development will continue under this joint resolution to have the authority to share savings from bond refinancings with State and local bond issuers pursuant to the Stewart B. McKinney Act, and continue to apply the provisions that would otherwise sunset?

Mr. HATFIELD. The Senator's understanding is correct. Authorities and conditions, such as those under the McKinney Act and the section 8 programs that you cite, and all other administrative provisions in the 1995 Act, would remain in effect during the period covered by the joint resolution.

Mrs. HUTCHISON. Madam President today the Senate is considering House Joint Resolution 108, the resolution to continue appropriations for fiscal year 1996. I would like to ask the manager of the bill to confirm my understanding that the continuing resolution keeps in place for its duration the moratorium on the listing of the endangered species and the designation of critical habitat enacted in Public Law 104-6 of April 10, 1995. Is that correct?

Mr. HATFIELD. Yes, that is correct.

Mrs. HUTCHISON. I am joined by Senators GORTON, KEMP THORNE and KYL in making this statement in order to clarify the continuing resolution, and to prevent any misunderstanding of its terms.

Mr. KEMP THORNE. Would the Senator from Texas yield?

Mrs. HUTCHISON. The Senator would be happy to yield.

Mr. KEMP THORNE. As chairman of the Subcommittee on Drinking Water, Fisheries and Wildlife of the Senate Environment and Public Works Committee, I am glad the Senate is clarifying the intent of House Joint Resolution 108 to continue the moratorium placed on listing and critical habitat designation under the Endangered Species Act. This extension will ensure consistency in federal policy as the debate on the endangered Species Act [ESA] moves forward. This is important because in the next few weeks I will introduce my bill to reform the ESA. I thank the floor leader and Senator HUTCHISON for their efforts to clarify this issue.

Mr. GORTON. Would the Senator from Idaho yield?

Mr. KEMP THORNE. Certainly.

Mr. GORTON. I would just like to echo the statements of the Senator from Idaho. As a strong supporter, and one who worked with the Senator from Texas in developing her amendment to the Defense supplemental, I believe that the continuing resolution must continue the current moratorium on listing and critical habitat designations under the ESA. The continuation of this moratorium during the short time of the continuing resolution is even more critical because the fiscal year 1996 Interior appropriations con-

ference report includes language that extends the current moratorium.

As chairman on the Interior appropriations subcommittee, I included language in the fiscal year 1996 Interior conference report that prohibits listings and critical habitat designations under the ESA during fiscal year 1996, or until legislation reauthorizing the act is enacted. It is critical to maintain the moratorium during the short time period covered by the continuing resolution.

Mr. LEAHY. Mr. President, I will vote for this continuing resolution because we should not shut down the government. Defeating this resolution would force millions of Americans to bear the weight of political intransigence. That is neither fair nor prudent.

However, I oppose the practice of delaying appropriations bills, and then propping the country up on a temporary set of crutches without firm Congressional direction. In many cases, the crutches are inadequate. I am most concerned about the way the Low Income Home Energy Assistant Program was treated by this measure. This Resolution essentially means that Vermont LIHEAP families, many who only earn \$7,200/year, will not get any help to keep warm in October. While this Congress goes back and forth about budget numbers in warm conference rooms and well-appointed offices, some Vermonters will be seeing their breath in the air of their homes.

In their third effort to kill LIHEAP this year, the House Republicans have rationalized that LIHEAP funds are expended equally all year round, as if just as much money is spent in August as is spent in November. Therefore, the Continuing Resolution makes about 16 percent of the money available on October 1, 1995. In fact, in past years States have received 60 percent of the money in the first quarter which has amounted to \$900 million, or \$3.2 million for Vermont.

Under the extreme limitations of this Continuing Resolution, Vermont receives only about \$500,000 and the net effect is that LIHEAP families will not receive October assistance. I welcome the LIHEAP opponents to come to Vermont in late October when the leaves are off the trees, the ground is freezing under the corn field stubble, and a cold Canadian wind blows under a slate gray sky. People will be cold.

I have been working with the White House and other members of Congress to get the Republicans to accept a six month schedule so that 30 percent of money is available at a reasonable time of year. They have rejected that proposal, and forced us to accept this proposal by delaying the final consideration of the Resolution. I am disappointed by this approach to LIHEAP, disappointed by the political tactics involved in passing the resolution, and disappointed that we do not have our appropriations bills finished. None-the-

less, I am forced to support this resolution because of the circumstances.

#### PASS THE CONTINUING RESOLUTION NOW

Mr. WELLSTONE. Mr. President, I rise in support of House Joint Resolution 108, the continuing resolution. I am pleased that Congress and the President, after long negotiations, were able to work out this agreement that would provide interim levels of funding for programs and activities of the Federal Government until November 13, 1995.

I understand the President will sign this bill. Its expected enactment over the weekend will avert a massive shutdown of the Federal Government, and all of the many costly problems that would cause for people in my State and throughout the Nation who depend on the Federal Government for Social Security, Medicare, student loans, farm payments, and other benefits and services—and for Federal workers who might otherwise have been furloughed for an extended period starting as early as next week. I expect that the administration will exercise its spending authority to avoid furloughs that is provided for in this bill.

I am also pleased that at my urging, working with White House Chief of Staff Leon Panetta, the Appropriations Committee removed the outrageously unfair and arbitrary provision in the bill which would have prohibited any Low-Income Energy Assistance Program (LIHEAP) funding to be distributed to the States.

Several days ago, I alerted Appropriations Committee Chairman HATFIELD to my concerns about this matter in a letter, a copy of which I ask be printed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WELLSTONE. Mr. President, in the letter, I observed that LIHEAP is a highly targeted, cost-effective way to help 5.6 million very low-income American families—or roughly 15 million individuals—to pay their energy bills. More than two-thirds of LIHEAP households have annual incomes less than \$8000; more than one-half have incomes below \$6000. Further, the average LIHEAP recipients spend 18.4 percent of their income on energy, compared with 6.7 percent for all households.

I pointed out that Minnesota is the third coldest State, in terms of heating degree days, in the country, after Alaska and North Dakota. Especially in cold-weather states like Minnesota and Oregon, funding for LIHEAP is critical to families with children and vulnerable low-income elderly persons, who without it could be forced to choose between food and heat.

The LIHEAP program assists approximately 110,000 households in Minnesota, and provides an average energy

assistance benefit of about \$360 per heating season. In Minnesota, where the first snows have fallen in some parts of the State, that heating season is already underway, and many people are relying on this funding. While I believe that more should have been released, considering the unique nature of LIHEAP which historically releases the bulk of its funds to cold-weather States immediately in October, I am pleased that at least some of these funds—about \$140 million—will be made available immediately on Monday to help pay fuel bills, fix or replace furnaces on an emergency basis, and help with weatherization against the coming winter.

While final funding levels for LIHEAP for this winter and next will likely have to be settled on the Senate floor, and in a conference committee, interim funding for the first part of this winter will be made available on October 1 to avoid large numbers of utility shut-offs and other heating emergencies that could have resulted in serious heating-related tragedies, including the deaths of people in cold-weather areas whose furnaces fail and who are unable to get them repaired or replaced, or other serious problems for those who are unable to pay for the heating season's first fill of fuel without LIHEAP assistance, or who are otherwise placed at risk by this provision.

Mr. President, this is a compromise bill. It does not provide for adequate funding levels for all Federal programs. But in general it applies its spending formulas in a way that is fair and responsible, and I urge its prompt enactment.

#### EXHIBIT 1

September 26, 1995.

Hon. MARK HATFIELD,  
Chairman, Committee on Appropriations, U.S.  
Senate, Washington, DC.

DEAR MR. CHAIRMAN: I write to urge you to drop from the continuing resolution that is being prepared for likely Senate floor consideration later this week the provision that would prohibit all federal Low-Income Energy Assistance Program (LIHEAP) funds from being released until enactment of the FY 1996 Labor-HHS Appropriations bill, which could be delayed until late November.

In my view, it is outrageous that recipients of energy assistance are being singled out, among those who are helped by all programs of the federal government, for this special funding restriction. I hope you will agree that isolating for especially harsh treatment families with children and vulnerable low-income elderly persons, who without LIHEAP assistance early this winter could be forced to choose between food and heat, is deeply unfair, arbitrary, and even mean-spirited, and should be opposed. It is especially troubling that such an important decision could be made without a single hearing, or even a public indication of the Committee's intentions.

As you know, the huge reductions in this winter's LIHEAP funding (approximately 25 percent) contained in the recently-enacted rescissions bill was one of the main reasons I insisted on an opportunity to try to amend the bill to restore LIHEAP funding on the floor. Though that effort was unsuccessful, I believe it showed the substantial support

which exists within the Senate for the program, and for its goal of providing critical energy assistance to qualified recipients.

While final LIHEAP funding levels will likely have to be debated on the Senate and House floors, and again in conference, interim funding for early this winter must be made available on October 1 to avoid large numbers of utility shut-offs and other heating emergencies that could result in serious tragedies. These could include the deaths of people in cold-weather areas whose furnaces fail and who are unable to get them repaired or replaced, or other serious problems for those who are unable to pay for the heating season's first fill of fuel without LIHEAP assistance, or who are otherwise placed at risk by this provision.

LIHEAP is a highly targeted, cost-effective way to help 5.6 million very low-income American families—or roughly 15 million individuals—to pay their energy bills. As the Committee's report on the rescissions bill observed, more than two-thirds of LIHEAP households have annual incomes less than \$8000; more than one-half have incomes below \$6000. Further, the average LIHEAP recipients spend 18.4 percent of their income on energy, compared with 6.7 percent for all households.

Minnesota is the third coldest state, in terms of heating degree days, in the country, after Alaska and North Dakota. Especially in cold-weather states like Minnesota and Oregon, funding for LIHEAP is critical to families with children and vulnerable low-income elderly persons, who without it could be forced to choose between food and heat. The LIHEAP program assists approximately 110,000 households in Minnesota, and provides an average energy assistance benefit of about \$360 per heating season. In Minnesota, where the first snows have fallen in some parts of the state, that heating season is already underway, and many people are expecting this funding to be released, as long scheduled, on October 1.

This proposal to arbitrarily prohibit distribution of all LIHEAP funds to the states on October 1 could wreak havoc in the lives of eligible vulnerable elderly, families with children, and other low-income people in my state and across the nation. I urge you in the strongest terms to reject it.

Thank you for your consideration.

Sincerely,

PAUL DAVID WELLSTONE,  
U.S. Senate.

Mr. DOLE. Madam President, I ask unanimous consent that the resolution be read three times, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the joint resolution (H.J. Res. 108) was deemed read the third time and passed.

#### MIDDLE EAST PEACE FACILITATION ACT

Mr. DOLE. Madam President, I ask unanimous consent that the Senate now turn to the consideration of H.R. 2404, regarding Middle East peace, just received from the House; that the bill be read a third time and passed; and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 2404) was deemed read the third time and passed.